

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5173

By Delegate Young

[Introduced January 25, 2024; Referred to the
Committee on Agriculture and Natural Resources
then Government Organization]

1 A BILL to amend and reenact §7-11-3 and §7-11-4 of the Code of West Virginia, 1931, as
2 amended, all relating to the election rather than appointment of members of the any parks
3 and recreation commission of a county with a population of greater than one hundred and
4 fifty thousand.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

§7-11-3. Number of members; quorum; qualifications; appointment; term; disqualifications.

1 (a) The commission shall consist of eleven members, a majority of whom shall constitute a
2 quorum for the transaction of business.

3 (b) Each member of said commission shall be a bona fide resident of the county and shall
4 own real estate within such county.

5 (c) The term of the commission members appointed by the county commission shall be for
6 three years and until their successors have been appointed and have qualified: *Provided*, That the
7 county court in appointing the members of the first commission in counties in which the county
8 commission appoints the park and recreation commission members shall appoint three members
9 for a term of one year; four members for a term of two years and four members for a term of three
10 years. The order of the county court shall fix the date on which the term of such commission
11 members shall begin.

12 (d) The members of any board of park and recreation commissioners heretofore created
13 under the former provisions of this article whose successors will be appointed by the county
14 commission shall continue in office as members of the parks and recreation commission of such
15 county until their terms expire and their successors have been appointed and have qualified.

16 (e)(1) The members of the parks and recreation commission in any county with a
17 population of greater than one-hundred and fifty thousand in the most recent decennial census
18 shall be elected on a nonpartisan basis during the primary election.

19 (2) The elected commissioners shall serve six year terms of office and shall be elected in
20 every year during which a sitting commissioner's term shall expire and the commissioner's term
21 shall commence on January 1 of the year following: *Provided:* That for the members of the first
22 commission elected in the year this revised subsection takes effect, three members shall be
23 elected for a term of two years, four members for a term of four years, and four members for a term
24 of six years: *Provided, however,* That the commissioners of any parks and recreation commission
25 that is required to have elected members by this subsection, and was in existence and had
26 appointed members in the calendar year in which this subsection takes effect, shall serve until the
27 newly elected members terms commence and shall have no powers as commissioners thereafter.

28 (f) Any member of the commission who shall cease to be a bona fide resident of the county
29 or a freeholder thereof, shall thereby be disqualified as a member of said commission and his
30 office shall become vacant. When a vacancy occurs on said commission by reason of death,
31 resignation, change of residence from the county, failure to remain a freeholder of the county, or
32 expiration of term, the county court shall appoint a successor or successors to fill out the unexpired
33 term of the member of the commission whose term has been vacated.

§7-11-4. Oath of members; officers; location of office; personnel.

1 After appointment or election, the members of the commission shall qualify by taking and
2 filing with the clerk of the county court the oath prescribed by law for public officials; one of the
3 members of said commission shall be elected as president, another as vice president, and a
4 secretary shall be elected who need not be a member of the commission. Said commission shall
5 maintain an office at any place it may designate in the county and have control of the management
6 and operation of all properties and facilities which shall be operated in connection with the public
7 parks and recreation system of such county and shall have power to employ or appoint such
8 persons as, in its opinion, may be necessary for the construction, establishment, improvement,
9 development, administration, operation and maintenance of the properties and facilities under its
10 control, subject, however, to the limits of available funds.

NOTE: The purpose of this bill is to require an election rather than appointment of members of the any parks and recreation commission of a county with a population of greater than one hundred and fifty thousand.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.